

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
vs.	)	CRIMINAL CASE NO. CCB-17-357
	)	
THOMAS FINNEGAN,	)	
Defendant.	)	
_____	)	

Wednesday, June 13, 2018  
Courtroom 7D  
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE

SENTENCING

For the Plaintiff:

Derek Hines, Esquire  
Assistant United States Attorney

For the Defendant:

Richard Bardos, Esquire

Also Present:

TFO Jared Stern, FBI  
Melissa McGuinness, U.S. Probation Officer

Reported by:

Douglas J. Zweizig, RDR, CRR, FCRR  
Federal Official Court Reporter  
101 W. Lombard Street, 4th Floor  
Baltimore, Maryland 21201

P R O C E E D I N G S

(9:27 a.m.)

**THE COURT:** Good morning, everyone. You can be seated, please.

**MR. HINES:** Good morning, Your Honor.

**THE COURT:** Call the case, Mr. Hines.

**MR. HINES:** We're here on the matter of United States versus Thomas Robert Finnegan, Criminal Docket No. CCB-17-357.

For the record, AUSA Derek Hines, appearing on behalf of the Government. Seated with me at counsel table is Task Force Officer Jared Stern of the FBI.

Good morning, Your Honor.

**THE COURT:** Good morning.

Good morning.

**MR. BARDOS:** Good morning, Judge. Richard Bardos, representing Thomas Finnegan, who is present to my right.

**THE COURT:** All right. Thank you.

We are here for sentencing for Mr. Finnegan on his guilty plea to two charges: Hobbs Act robbery and use of a firearm in furtherance of a crime of violence, 924(c) charge.

As counsel know, I need to start with the presentence report. I have one with a revised date of February 8th, 2018.

Mr. Hines, any additions, corrections, modifications?

**MR. HINES:** No, Your Honor.

**THE COURT:** Mr. Bardos, obviously you've read it.

1           Has your client had the chance to discuss it with you,  
2     read it?

3           **MR. BARDOS:** Yes, Your Honor.

4           **THE COURT:** Okay. Any additions, corrections,  
5     modifications?

6           **MR. BARDOS:** No, Your Honor.

7           **THE COURT:** All right. Thank you.

8           Okay. There's sort of two sets of guideline  
9     calculations.

10          As to Count 2, the Hobbs Act robbery, there's an  
11     offense level of 20. There's a decrease of two for acceptance  
12     of responsibility, so that's an offense level of 18.

13          Mr. Finnegan's criminal history category is a III, so  
14     the advisory guideline range on Count 2 is from 33 to 41  
15     months.

16          As to Count 3, that is controlled by the statute.  
17     There is a required mandatory consecutive seven years/84 months  
18     on that count.

19          So I'm happy to hear from the Government, to begin  
20     with, about your recommendation and also whether there's anyone  
21     that wants to be heard from.

22          **MR. HINES:** Your Honor, the victims of the offense,  
23     Jeffrey Shore and Donna Curry, are here in the courtroom today,  
24     and it's my understanding that Ms. Curry would like to make a  
25     victim impact statement.

1           **THE COURT:** All right. Would you like to come up to  
2 the podium.

3           And if you would just give us your full name for the  
4 record. Good morning.

5           **DONNA CURRY:** Donna Ann Curry.

6           **THE COURT:** What would you like to tell me?

7           **DONNA CURRY:** I don't know, just since this robbery  
8 and everything that happened, things just haven't been the  
9 same.

10          **THE COURT:** Sure. I'm sorry, but I can't -- maybe,  
11 Mr. Hines, can you help move the mic a little bit. I can't  
12 hear you, ma'am.

13          **DONNA CURRY:** Just that since the robbery and  
14 everything, things haven't been the same. It's been a tough  
15 situation for me. It's -- financially, you know, I've lost one  
16 of my homes that I had the money saved for that was stolen from  
17 me.

18          Since then I also wasn't able to keep my business  
19 going. I just had to give my business up this February.

20          And I have a young granddaughter that was at the house  
21 the night of the incident, and she is very petrified of police.  
22 And I think it was due to the gentlemen coming in dressed as  
23 police officers that made her scared, so scared of police  
24 officers.

25          **THE COURT:** Okay.

1           **MR. HINES:** Thank you, Ms. Curry.

2           **DONNA CURRY:** Thank you.

3           **THE COURT:** Thank you.

4           Mr. Hines.

5           **MR. HINES:** Your Honor, turning first, under the  
6 3553(a) factors, to the nature and circumstances of the  
7 offense, as Your Honor is aware, this was a serious crime  
8 during the day in June of 2014.

9           Detective Rayam and some other members of the  
10 Baltimore Police Department searched the pigeon store owned by  
11 Ms. Curry and Mr. Shore. They found \$20,000 in cash. No  
12 evidence of any drugs, guns, or anything like that. It was a  
13 pigeon store.

14           They decided that they could not rob them there  
15 because they could make a complaint and it could be  
16 substantiated, given that there was no evidence of any illegal  
17 activity.

18           Unfortunately, earlier that same day, the Currys had  
19 attempted to pay two substantial debts that they had on two  
20 properties at the municipal building, because they were going  
21 to be up for tax sale.

22           They had accumulated \$20,000 from cash sales at their  
23 pigeon store, a significant federal income tax return, and they  
24 had taken out two loans from two family friends, including a  
25 pastor.

1           And they had gone earlier on that day to pay off those  
2       debts when they received a call. They were waiting in line at  
3       the municipal building with the cash to pay those debts, and  
4       they received a call that the neighbor of their pigeon store  
5       had fallen ill, possibly had a heart attack. I believe he  
6       later passed away.

7           And so they rushed back immediately, weren't able to  
8       pay their debt that day.

9           Their store was searched. Immediately after the  
10      search, Detective Rayam called first Mr. Finnegan, seated here,  
11      told him about the money. The two of them agreed that -- to  
12      rob the Currys and the Shores later that day at their home.

13          Initially, Mr. Finnegan and Mr. Rayam both drove  
14      during the day to their home, set up their -- basically cased  
15      the home, went up -- and Mr. Finnegan went up and had sort of a  
16      fake interaction with Mr. Shore, asking if he could get some --  
17      you know, where he could find some food or if he could get a  
18      ride, things like that, to try and scope out how many people  
19      were there.

20          They ultimately decided to impersonate police and  
21      recruited Jemell Rayam's cousin, David Rahim, who came over and  
22      joined them later that evening when Mr. Finnegan put on a  
23      police vest and held Detective Rayam's firearm. And  
24      David Rahim also put on a police vest, they went in to the  
25      Curry and the Shores' home.

1           In the home, as Your Honor just heard, it was not only  
2 Ms. Curry and Mr. Shore, but their young grandchild as well.

3           Mr. Finnegan came in, held the firearm at Mr. Shore,  
4 and said, "Sit still and be patient" (indicating), that's the  
5 brandishing that occurred in this case.

6           Mr. Rahim was not armed, but based on the fact that  
7 they believed the individuals were police, their pigeon store  
8 had been searched earlier in the day, thankfully Mr. Shore and  
9 Ms. Curry obliged with the commands, thinking that they were  
10 police. They sat there. They didn't resist or something  
11 absolutely horrific could have occurred.

12           Mr. Finnegan then went into Ms. Curry's purse, took  
13 out the \$20,000. And then he, Mr. Rahim, and Mr. Rayam left  
14 when they later split up that \$20,000 in cash.

15           You know, Ms. Curry, you could see the impact that  
16 these types of crimes have, in sometimes the most significant  
17 ways.

18           They've now lost their pigeon store in  
19 South Baltimore. They're no longer operating it. They've lost  
20 one of their two properties. \$20,000 is obviously a huge  
21 amount of cash to have taken from you.

22           And so the impact on their lives, even apart from the  
23 emotional trauma that they understandably experienced from this  
24 episode, has been huge and absolutely devastating to them, and  
25 it's unclear if they'll be able to recover.

1           You know, having met them, they're great people. They  
2 work very hard. And I think they hope that they will be able  
3 to recover. But it's that sort of economic loss, in addition  
4 to the emotional trauma, that underscores the severity of this  
5 offense.

6           I'd like to turn next -- sort of jump to the end, the  
7 need to avoid unwarranted sentencing disparities.

8           Our recommendation, Your Honor, for Mr. Finnegan is a  
9 sentence of nine years' incarceration. That's seven years for  
10 the brandishing of the firearm, to run consecutive to two years  
11 for the Hobbs Act robbery. And we get there predominantly  
12 based on -- well, based on all the factors.

13           But when you look at the sentences that co-defendants  
14 have received in this case, David Rahim received a sentence of  
15 five years. And Jemell Rayam, his guidelines will be 10 to 13  
16 years.

17           But, you know, nine years will, in our mind, sort of  
18 guarantee that Mr. Finnegan would receive a lesser sentence  
19 than Mr. Rayam, given that Rayam was the one that sort of  
20 coordinated this episode.

21           And when you compare Mr. Finnegan to Mr. Rahim,  
22 they're different in a number of ways.

23           First and foremost, Mr. Finnegan has a Criminal  
24 History Category III. Mr. Rahim had only a Criminal History  
25 Category II.



1 But even when you look at Mr. Finnegan's criminal  
2 history, only because the number of convictions timed out and  
3 weren't scored is the reason why he's in Criminal History  
4 Category III instead of a higher level.

5 He has prior assault; prior intimidation of a witness;  
6 false identification to law enforcement; driving while  
7 intoxicated; and negotiating -- and driving while intoxicated,  
8 none of which is in his case. Mr. Rahim did not have prior  
9 convictions that didn't score. So that is one distinction  
10 between the two of them.

11 The other being that Mr. Finnegan was more intimately  
12 involved in planning and doing this event. In fact, him and  
13 Rayam planned to rob the Currys, if they could have during the  
14 day, before Mr. Rahim became involved and recruited later at  
15 night.

16 Mr. Finnegan is the one that held the firearm, went in  
17 there. Obviously, Mr. Rahim aided and abetted that. But  
18 Mr. Finnegan pointed the firearm at them and said, "Sit still  
19 and be patient."

20 And Mr. Finnegan, as I've sort of -- there's another  
21 relationship with Mr. Rayam, obviously, over the course of the  
22 years in which Rayam has given Mr. Finnegan some narcotics for  
23 his -- both his personal use and his distribution over the  
24 course of time.

25 We think that that delta of four years between

1 Mr. Rahim and Mr. Finnegan is appropriate given the  
2 circumstances of this case.

3 We think that that will reflect the seriousness of the  
4 offense, afford adequate deterrence to both Mr. Finnegan,  
5 specifically, and then to the community as a whole if he were  
6 to receive a sentence of nine years.

7 We'd also ask the Court to, just like the Court did  
8 with David Rahim, and pursuant to Mr. Finnegan's plea  
9 agreement, impose restitution of \$20,000, jointly and  
10 severally, with both David Rahim and Jemell Rayam so that  
11 hopefully, over the course of time, the Currys can recoup some  
12 of this money.

13 And I can provide the clerk with their identifiers  
14 after the proceeding, if they're needed.

15 So in conclusion, Your Honor, I think certainly this  
16 was serious and an offense that warrants nine years. That's  
17 actually below the low end of the guidelines of ten to eleven  
18 years.

19 And, you know, it factors in that Mr. Finnegan did  
20 ultimately accept responsibility, although I'll say he did it  
21 only after receiving the Jencks production on the very eve of  
22 trial in December when, you know, the witnesses had to, you  
23 know, come in over and over and meet with the Government and  
24 get prepared to testify.

25 So I think that given all the factors under 3553, a

1 sentence of -- an aggregate sentence in the total of nine years  
2 is the appropriate disposition of this case.

3 **THE COURT:** All right. Yes. Thank you, Mr. Hines.  
4 Mr. Bardos.

5 **MR. BARDOS:** Thank you, Your Honor. I don't know  
6 where to start.

7 So the Government makes a description of this --  
8 ordinarily, Your Honor, in an individual-defendant case, I'm in  
9 sort of the unusual position where I may know a little bit more  
10 about the case than perhaps you do, because I've had it for a  
11 long time and now we're coming to present it to you.

12 This is not that situation, because you know a lot  
13 more about this case than I do, having sat through the trial.

14 So I did not sit through the trial. I am doing my  
15 best to get from the public records what the information was,  
16 and particularly with regard to Mr. Rayam.

17 The Government suggests that Mr. Rayam's guidelines  
18 are 10 to 13 years. That is not what's in his public plea  
19 agreement. What's in his public plea agreement is an offense  
20 level of 32, minus 3, which is an offense level of 29.

21 He was a police officer -- assuming he didn't have a  
22 significant record prior to that.

23 If he's at Level 29 and Criminal History Category I,  
24 his guidelines are 87 to 108. So his guidelines --

25 **THE COURT:** Right. His guidelines were incorrectly

1 calculated in the plea agreement, and I have already sentenced  
2 two individuals where the same issue appeared. And I did not  
3 feel bound by the guidelines in the plea agreement, just so you  
4 know.

5 **MR. BARDOS:** Okay. So I am correct, you do know more  
6 about this than I do.

7 But from -- I'm basing it on what the plea  
8 agreement --

9 **THE COURT:** I understand. You're absolutely right,  
10 that's what's in the public plea agreement.

11 **MR. BARDOS:** So that's the first piece.

12 The second is, as Mr. Hines was describing this  
13 offense, it sounds like Mr. Finnegan is the major player here  
14 and he was the motivating factor. That is not in any way,  
15 shape, or form accurate.

16 What is happening here is Mr. Finnegan is a collateral  
17 piece of this gigantic Gun Task Force gone wrong, right.

18 So I know that Your Honor recently sentenced  
19 Officer Jenkins -- again, I did not attend that.

20 But I would imagine that one of the things that  
21 offended the Court from that situation is that these were  
22 individuals hired, trusted to protect society and defend  
23 against illegal gun use and illegal drug use, and instead, not  
24 only participated and fostered in it, but brought other people  
25 into it.

1           My sentencing memorandum describes -- and I assume  
2   these facts are correct, as I did take them from Mr. Rayam's  
3   plea agreement -- they -- Mr. Finnegan pled guilty to a single  
4   incident where he, wearing the uniform that Mr. Rayam gave him,  
5   carrying an unloaded gun that Mr. Rayam gave him, and went into  
6   the house, directed by Mr. Rayam, and told what to get. That's  
7   Mr. Finnegan's crime.

8           Rayam and his buddies went into multiple houses,  
9   armed, on a regular basis. In fact, sometimes went in armed,  
10   pointing guns in a forcible manner.

11          They stole weapons. They sold them to drug dealers.  
12   They sold -- they stole drugs and sold them.

13          This is -- and yet, and yet he -- even under the  
14   Government's theory, he's looking at a low end of the  
15   guidelines of ten years.

16          The comparable liability here, between Mr. Finnegan's  
17   single incident, directed by Mr. Rayam, and what Rayam and his  
18   friends were doing, I think is huge.

19          And the suggestion that the low end of Mr. Rayam's  
20   guidelines is 10, and then 9 would be appropriate for a single  
21   incident for Mr. Finnegan, I think is not appropriate in  
22   comparing the culpability of these two individuals, would be my  
23   first point.

24          The Government suggests that although Mr. Finnegan  
25   only got two levels down and the Government was not required,

1 and I don't think they should have, moved for a third level due  
2 to promptness, because I think if you plead pretty much close  
3 to trial, it's hard to argue that's prompt.

4           However, what the Government did not tell you is that  
5 Mr. Finnegan, on the day of his arrest, told the arresting  
6 agents that he committed this crime. He has been open about  
7 this from day one.

8           And so the rest of the time, from the day of his  
9 arrest until the day of his plea, I can tell you Your Honor was  
10 negotiation, trying to see if there was a way to get around  
11 this seven-year mandatory sentence. That was really what was  
12 going on.

13           And ultimately, when it could not be done,  
14 Mr. Finnegan really had no other choice.

15           So to say that he didn't accept responsibility in a  
16 legal sense in front of you is correct. He didn't do that  
17 until later.

18           But he has never contested that he committed this  
19 offense and how he committed this offense.

20           So that's -- I think that's a little bit different as  
21 well.

22           The idea that -- and I don't mean any disrespect to  
23 the victims -- but the idea that this was a traumatic event for  
24 them -- first of all, Ms. Curry spoke to you. She was allowed  
25 to say anything she wanted. She said nothing about being

1 personally traumatized by this, and I think the reason for that  
2 is that she was not.

3 In July of 2014 -- and I don't have the video. I just  
4 have a report, the report from the Baltimore Sun. But I've  
5 seen the video and I can tell you what it says. She is -- she  
6 gives a video interview. She's allowed to say whatever she  
7 wants.

8 And the first thing she says is, We invited them in  
9 thinking they were police.

10 This was not -- I understand -- because I've done the  
11 research -- in this situation, it is considered a crime of  
12 violence, even though there was no violence actually there  
13 because of the threat.

14 But in this particular situation, there really was no  
15 threat of violence because Mr. Shore and Ms. Curry knew that  
16 police were coming that night to search their house. They were  
17 told that during the day. They were told we are going to --  
18 well, we have to -- we didn't find it here, we're going to have  
19 to go search your house.

20 And so when Mr. Finnegan and Mr. Rahim came in wearing  
21 police uniforms, carrying what looked like a search warrant,  
22 Mr. Shore and Ms. Curry sat down and waited for the search.  
23 They -- I think she's accurate in that -- they invited them in.

24 There was -- the entire video and her statement today  
25 shows no indication that they were traumatized by this. They

1 were financially affected, I understand that. I'm not  
2 contesting that.

3 But as far as violent crimes go, this was a relatively  
4 non-violent violent crime. And I think the fact that the gun  
5 was unloaded, that Mr. -- at least Rayam was smart enough to  
6 give -- not to give Mr. Finnegan or Mr. Rahim a loaded gun.

7 But they had to look like police. And if they come in  
8 with an empty holster, they don't look like police. So the  
9 whole thing was really theft by fraud. But, under the statute,  
10 there's a mandatory seven years.

11 So I think when you -- and if you compare this and  
12 look at the overall context of this, Mr. Finnegan's activities  
13 are illegal. Mr. Finnegan took responsibility for those  
14 activities.

15 But to suggest that a man who spent years, years lying  
16 under oath, encouraging others to testify under oath [sic],  
17 stealing guns, stealing drugs, selling both, is looking at a  
18 possibility of 10 and that Mr. Finnegan should get 9, I just --  
19 I think that's incorrect.

20 Obviously, the final decision is yours, and I could be  
21 wrong about that.

22 The other point that I would like to make is -- so  
23 this offense occurred almost four years ago. And in the four  
24 years since this event, Mr. Finnegan has not been arrested, has  
25 not been charged, has not had a conviction.



1           And, in fact, the last -- the last of his involvement  
2 with the criminal justice system, if I'm correct, was in 2012,  
3 and that was dismissed. And then before that, you go back to  
4 2003.

5           So, yes, this event was very serious, but  
6 Mr. Finnegan's life since -- basically since he got in trouble  
7 in federal court for the counterfeiting stuff, his life since  
8 then has been relatively law-abiding. He got a job. He's a  
9 licensed plumber. He has a wife. He has a son. When his  
10 brother passed away, he moved to Pennsylvania to take care of  
11 his parents.

12           So he was involved in this particular incident in  
13 2014, but the span on both sides of that have been relatively  
14 law-abiding.

15           And certainly since -- while he's been in jail, but  
16 not that you can't commit a crime in jail, but since 2014,  
17 there were three years between the event and his arrest, and  
18 there's nothing in there that suggests that he was continuing  
19 any type of activity, criminal activity.

20           So with all that said, Your Honor, our position is  
21 that you have -- obviously, you have to give him seven years.  
22 I don't think there's any question about that.

23           The question is how much do you give him on top of  
24 that. And our recommendation is not 24 months but three  
25 months.

1 I don't know if any of the other officers have been  
2 sentenced yet. I know that Mr. Jenkins was and I know that  
3 Mr. Rayam has not been. But I don't -- so the other -- so he  
4 has to get seven.

5 The weird -- I don't know if it's weird, but the odd  
6 thing here is Mr. Rayam admits to a series of 924(c) crimes.  
7 He admits in his plea agreement to doing exactly what  
8 Mr. Finnegan did, except it was worse because Rayam was  
9 actually a police officer. So he has a series of 924(c) crimes  
10 and yet faces no mandatory minimum.

11 Mr. Finnegan gets involved in one incident here and  
12 faces a mandatory seven years.

13 Under those circumstances, Your Honor, we think an  
14 additional three for the robbery, for the theft under -- in  
15 this situation, a total sentence of 87 years [sic], is  
16 appropriate.

17 **THE COURT:** Okay. Thank you. Thank you, Mr. Bardos.

18 Do you want to address anything related to  
19 recommendations to the Bureau of Prisons or restitution or  
20 anything along those lines?

21 **MR. BARDOS:** May I have a moment, Your Honor?

22 (The defendant conferred with counsel.)

23 **MR. BARDOS:** Your Honor, if the Court would be willing  
24 to make -- I do have another point. If the Court would be  
25 willing to make a recommendation of incarceration as -- close

1 to Easton, Pennsylvania. That's where his parents live.

2 And the other point I want to make, Your Honor -- and  
3 I don't know if the Court takes this into consideration -- but  
4 often -- there is obviously no parole, but there are ways that  
5 people can get a reduction in their sentence. One of them is  
6 the RDAP program. That will not apply to Mr. Finnegan because  
7 of the gun charge. So he won't --

8 **THE COURT:** Right. I would recommend to the Bureau of  
9 Prisons that he participate -- I think he obviously has a  
10 substance abuse problem --

11 **MR. BARDOS:** Yes.

12 **THE COURT:** -- that's why he's not able to comply with  
13 conditions of release, I'd note, and had to be detained again,  
14 but it appears to have related to his substance abuse problem.

15 **MR. BARDOS:** Yes.

16 **THE COURT:** I certainly will recommend any substance  
17 abuse program he's eligible for, but you're right, he's not  
18 going to be, I don't believe, eligible for early release  
19 because of that.

20 **MR. BARDOS:** Correct.

21 **THE COURT:** But he still would appear to need that  
22 treatment.

23 **MR. BARDOS:** Thank you, Your Honor.

24 **THE COURT:** Okay. Anything else before I turn to  
25 Mr. Finnegan? Anything else anybody wants to say?

1           **MR. HINES:** No, Your Honor.

2           **THE COURT:** Okay. Mr. Finnegan, if there's anything  
3 you'd like to say before I make a final decision, you have the  
4 right to do that. You don't have to. I won't hold it against  
5 you if you don't. But you have the right to speak if you'd  
6 like to speak.

7           **THE DEFENDANT:** Yes, Your Honor. I would just like to  
8 apologize to Mr. Shore and Mrs. Curry. I didn't mean no harm.  
9 I was in a situation. It was kind of -- those days -- and we  
10 were facing eviction. And I called Jemell asking him to borrow  
11 money. He said he had an opportunity for me.

12           I had seven or eight other opportunities similar to  
13 that, and I always turned them down. Made a real bad mistake.

14           I have a 7-year-old son, a wife. I missed his first  
15 day of first grade. I'm trying not to miss, you know, as much  
16 as possible. That's it.

17           **THE COURT:** Sure. Okay. All right. Thank you,  
18 Mr. Finnegan.

19                           Conference at the bench.

20           (It is the policy of this court that every guilty plea and  
21 sentencing proceeding include a bench conference concerning  
22 whether the defendant is or is not cooperating.)

23           **THE COURT:** Well, I appreciate everything counsel has  
24 had to say.

25           Let me start with the nature and circumstances of the

1 offense. It's obviously very serious. I appreciate that the  
2 gun was not loaded. Obviously, the victims didn't know that.  
3 It's fortunate that they cooperated and assumed that this  
4 perhaps was a real police operation.

5 It still, I'm willing to assume, was traumatic for  
6 them as well as their granddaughter. The fact that Ms. Curry  
7 focuses on the financial result doesn't mean that there was no  
8 psychological impact.

9 Indeed, it sounds as though the financial impact has  
10 caused its own psychological problems. I mean, losing a home,  
11 losing a business, that is a significant consequence.

12 And I'm not saying that Mr. Finnegan specifically  
13 intended that, but that's certainly the risk that was created  
14 by taking that very substantial amount of money that the  
15 victims needed and were counting on.

16 Mr. Finnegan's personal circumstances, there are  
17 certainly some mitigating factors. I appreciate that  
18 ultimately he did accept responsibility, that he essentially  
19 admitted at the beginning and then did enter a plea  
20 sufficiently -- well, at least a little bit in advance of  
21 trial, and I think he should get some credit for that.  
22 Appreciate that.

23 The comparisons, a lot of time spent on comparisons  
24 here.

25 First of all, certainly Mr. Rayam has committed and

1 admitted many more crimes than Mr. Finnegan.

2 I've spoken a number of times already about the  
3 seriousness of the Gun Trace Task Force issues. Mr. Rayam has  
4 not been sentenced yet. I don't know exactly what the sentence  
5 is going to be.

6 Comparing Mr. Finnegan to Mr. Rahim, it does appear  
7 that Mr. Finnegan has a somewhat more significant criminal  
8 record, did carry the gun, and seems to have been more involved  
9 in the planning, although clearly Mr. Rayam was the ringleader.  
10 I'm not suggesting otherwise.

11 I believe that a -- I'm close to the Government on  
12 this. I believe, considering all these factors that we've just  
13 gone through, that a sentence of eight and a half years in  
14 total is sufficient, but that that is necessary to recognize,  
15 again, the seriousness of the offense and Mr. Finnegan's  
16 circumstances.

17 So the sentence is going to be -- it's 18 months,  
18 Mr. Finnegan, on Count 2, on the Hobbs Act robbery. And there  
19 is a consecutive seven-year sentence, 84 months, following  
20 that.

21 That's a total of, as I said -- I believe that's, if  
22 my math is right, eight and a half years, 102 months, obviously  
23 with credit for the time that Mr. Finnegan's already been  
24 locked up.

25 I certainly will recommend to the Bureau of Prisons

1 that he be designated to a facility as close to Easton,  
2 Pennsylvania, as possible and that he participate in any  
3 substance abuse program he's eligible for in the Bureau of  
4 Prisons. That's also going to be a condition of supervised  
5 release. There's going to be an important period of supervised  
6 release which I hope will be helpful to you, Mr. Finnegan, when  
7 you come out.

8 There's three years of supervised release. That will  
9 be concurrent on each count, 2 and 3.

10 Special condition, as I said, being participating in  
11 any substance abuse testing or treatment the probation officer  
12 recommends.

13 Also providing the probation officer access to any  
14 financial information that they want to see, because I will, of  
15 course, impose, as I believe I'm required to, the restitution  
16 for the \$20,000, which will be joint and several with Mr. Rahim  
17 and also Mr. Rayam.

18 I don't know at this point what Mr. Finnegan's earning  
19 capacity is going to be immediately when he comes out of the  
20 Bureau of Prisons, so there's going to be -- I'll start at a  
21 nominal repayment schedule of \$50 a month.

22 But the Probation Office will have the authority to  
23 recommend either an increase or a decrease in that, depending  
24 on his financial circumstances.

25 His financial circumstances do not permit a fine, but

1 there's a required \$100 special assessment that I'm going to  
2 impose on each count.

3 And I think that's a reasonable sentence.

4 Have I left anything out? Anything I have not  
5 addressed? Any counts to dismiss?

6 **MR. HINES:** Your Honor, at this time the United States  
7 dismisses Count 1 of the indictment.

8 **THE COURT:** Okay. Anything else, Mr. Bardos?

9 **MR. BARDOS:** Your Honor, so I think the Court is  
10 familiar with this request -- I don't know if it's ever been  
11 granted.

12 But there is sort of a theme running through the fact  
13 that these -- that Mr. Finnegan and other individuals are  
14 housed at the Chesapeake Detention Facility and that there is a  
15 request that he -- just to be clear, he's been incarcerated on  
16 this offense from July 6th, 2017, to September 25th, 2017; and  
17 then from October 23rd, 2017, to the present.

18 So what we would ask is a recommendation to the Bureau  
19 of Prisons that he be given two days' credit for each one day  
20 that he spent in CDF.

21 I understand the Court can't order that, but I do know  
22 that the Bureau of Prisons takes the Court's recommendation  
23 seriously.

24 I don't know if they would do that either, but I'm  
25 sure the Court is familiar with the circumstances at the



1 Chesapeake Detention Facility, the overcrowding and all the  
2 other problems that are there.

3 And if the Court would be willing to make that  
4 recommendation, perhaps the Bureau of Prisons can take into  
5 consideration the harm that's been done to Mr. Finnegan in that  
6 particular facility.

7 **THE COURT:** I appreciate the reason you're asking for  
8 it. Conditions at the Chesapeake Detention Facility are always  
9 something I take into account in general.

10 I'm not aware of any legal authority to ask the Bureau  
11 of Prisons to give that kind of credit. And, again, having  
12 taken into account that Mr. Finnegan did accept responsibility,  
13 I'm not prepared to do more than that. Again, I don't think I  
14 have the legal authority to do what you're asking, in any  
15 event.

16 All right. Mr. Finnegan, in light of the plea  
17 agreement and the sentence, I'm not sure that there's anything  
18 you have a right to appeal from. But if you were going to be  
19 noting any appeal, that would have to be within 14 days.

20 Do you understand that, sir?

21 **THE DEFENDANT:** Yes, ma'am.

22 **THE COURT:** Okay. Anything else?

23 **MR. HINES:** No, Your Honor. Thank you.

24 **THE COURT:** All right. Thank you, all.

25 (Matter concluded at 10 o'clock a.m.)

1 I, Douglas J. Zweizig, RDR, CRR, FCRR, do hereby certify  
2 that the foregoing is a correct transcript from the  
3 stenographic record of proceedings in the above-entitled  
4 matter.

5 \_\_\_\_\_ /s/

6 Douglas J. Zweizig, RDR, CRR, FCRR  
7 Registered Diplomat Reporter  
8 Certified Realtime Reporter  
9 Federal Official Court Reporter  
10 DATE: June 7, 2019  
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*Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter*

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